

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BRUCE LORICK,

Plaintiff,

9:16-cv-1002 (BKS/DEP)

v.

TINA M. STANFORD, *Chairperson of N.Y.S.
Div of Parole,*

Defendant.

APPEARANCES:

Bruce Lorick
81-A-2502
Shawangunk Correctional Facility
P.O. Box 700
Wallkill, NY 12589
Plaintiff, pro se

Adrienne J. Kerwin, Esq.
Office of Attorney General
The Capitol
Albany, NY 12224
Attorney for Defendant

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

I. INTRODUCTION

Plaintiff Bruce Lorick commenced this pro se action under 42 U.S.C. § 1983, alleging that Defendant Tina M. Stanford violated his constitutional rights under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment. (Dkt. No. 15). Defendant filed a motion to dismiss on April 26, 2018, (Dkt. No. 42), and Plaintiff opposed the motion, (Dkt. No. 45). This matter was assigned to United States Magistrate Judge David E. Peebles, who, on

February 27, 2019, issued a Report-Recommendation recommending that Defendant's motion to dismiss be denied. (Dkt. No. 48). Magistrate Judge Peebles informed the parties that, under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report-Recommendation, and that failure to do so within fourteen days would preclude appellate review. (Dkt. No. 48, at 17). Although the Court granted Plaintiff's request for an extension of the deadline for filing objections, (Dkt. No. 51), no objections to the Report-Recommendation have been filed.¹

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby


ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 48) is **ADOPTED** in all respects; and it is further

ORDERED that defendant's motion to dismiss (Dkt. No. 42) is **DENIED**; and it is further

ORDERED that the Clerk serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 27, 2019


Brenda K. Sannes
U.S. District Judge

¹ Plaintiff filed a "letter brief in response" to the Report-Recommendation on March 14, 2019, which summarizes the standard for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), some caselaw relevant to equal protection claims, and the facts of his case. (Dkt. No. 52). It does not, however, contain any objections to Magistrate Judge Peebles' Report-Recommendation or otherwise address its substance. In any event, the Court notes that the outcome here, which allows this litigation to proceed, is beneficial to Plaintiff.